

1AP13 Rec'd PCT/PTO 11 OCT 2006

From: LUCAS & MERCANTI, LLP

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10/11/2006 10:16 #120 P.001/011

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Our ref: YAN-39

OCT 11 2006

Client's ref: PA 5001PCT/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: Y. SAITO : Art Unit: 1724
Serial No. : 10/523,535 :
Filed : February 2, 2005 : Examiner: I. C. Cintins
Title : FILTER DEVICE : Dated: October 11, 2006
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RULE 97 (d) IDS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION/MAILING
I hereby certify that this correspondence is being transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage on first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature Donald C Lucas
Typed or printed name DONALD C LUCAS
Date OCT 11 2006

S i r:

Enclosed is a Search Report from the European Patent Office, and a SB08A form citing the new references of U.S. 4,668,405 and 6,319,413. The other reference cited in the Search Report, WO 01/83076 had already been cited by the U.S Examiner, see the September 9, 2005, Office Action.

Also, because this IDS is submitted after allowance but before payment of the issue fee, applicant makes the following

10/16/2006 MKAYPAGH 00000124 10523535

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statement in accordance with Rule 97 (d) and 97 (e)(1), and submits a 2038, to pay for the fee under 37 CFR, 1.17 (p), \$180.

"Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement."

In reviewing the file, it is noted that according to PCT Form 903 (Notice of Acceptance under 371) both the International Search Report (ISR) and copies of the references cited in the ISR were provided to the Examiner, see attached page 1 of 903. The ISR cited five (5) references, and all five references were characterized as "Category Y". The Examiner, however, only cited two of the five references in the PTO-892 form. The three references not listed by the Examiner on the PTO-892 are JP 54-010586, JP 11-099398 and JP 1-101690. According to MPEP 1893.03(g), "The Examiner will consider the documents cited in the international search report, without any further action by the applicant under 37 CFR 1.97 and 1.98... There is no requirement that the Examiner list the documents on a PTO-892 form."

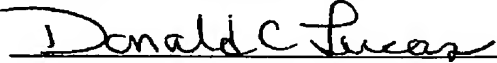
Thus, it is deemed that the examiner has considered the three references cited in the ISR but not listed in the PTO-892, and that applicant has complied with the duty of candor and rule 1.97 and 1.98.

Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By:



Donald C. Lucas, 31,275
Attorney for Applicant(s)
475 Park Avenue South, 15th Floor
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Tel. # 212-661-8000

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PTO/SB/D8a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10523535	
	Filing Date		2005-02-02	
	First Named Inventor	Y. Saito		
	Art Unit	1724		
	Examiner Name	I.C. Cintins		
	Attorney Docket Number	YAN-39		

U.S. PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	4668405	Y	1987-05-26	Boze et al.	col 5, line 8-29, figures
	2	6319413	A	2001-11-20	Xia Yongming et al	all

If you wish to add additional U.S. Patent citation information please click the Add button.

U.S. PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1					

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>

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NON-PATENT LITERATURE DOCUMENTS

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10/11/2006 10:17 #120 P.009/011

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10523535
	Filing Date		2005-02-02
	First Named Inventor	Y. Salto	
	Art Unit	1724	
	Examiner Name	I.C. Cintins	
	Attorney Docket Number	YAN-39	

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1		<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here English language translation is attached.

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	10523535
Filing Date	2005-02-02
First Named Inventor	Y. Saito
Art Unit	1724
Examiner Name	I.C. Clintins
Attorney Docket Number	YAN-39

**RECEIVED
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Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

- ☒ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

- ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

- ☐ See attached certification statement.
- ☒ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.
- ☐ None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Donald C. Lucas/ <i>Donald C. Lucas</i>	Date (YYYY-MM-DD)	2006-10-11
Name/Print	DONALD C. LUCAS	Registration Number	31275

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.